

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY**

**TRANSPORTATION SECURITY ADMINISTRATION**

**STATEMENT OF KEN KASPRISIN  
ACTING ASSISTANT SECRETARY**

**Before the**

**COMMITTEE ON GOVERNMENT REFORM  
UNITED STATES HOUSE OF REPRESENTATIVES**

**July 21, 2005**

Mr. Chairman, Representative Waxman, and Members of the Committee, good morning. It is my pleasure to be here with you today to testify regarding the Department of Homeland Security's policies for monitoring and responding to threats and violations of restricted airspace. I welcome this opportunity to appear before you, along with my colleagues from the Department of Defense and the Federal Aviation Administration (FAA), to address these important matters.

Although the air defense mission for the United States is assigned to a single organization – the Department of Defense – incursions of restricted airspace present a unique challenge since the overwhelming majority of such incursions are caused by pilots operating general aviation aircraft, that is, operations other than commercial airlines or military. These incursions represent airspace procedure violations and rarely, if ever, pose a hostile threat. Still, the threat possibility remains and each incursion must be handled accordingly.

Therefore, determining whether a specific restricted airspace incursion represents a hostile threat is an essential task. Several agencies contribute to this process by sorting (detecting, identifying, and intercepting) unknown or non-compliant contacts that enter restricted airspace. The sorting process declutters the air picture and supports a determination of the potential hostile intent of airspace violators. This effort succeeds best when each agency maintains full authority to execute that portion of its own mission contributing to this effort and when all agencies fully coordinate and communicate with one another.

The Interagency Airspace Protection Working Group (IAPWG) was created after the attacks of September 11, 2001, to coordinate and address airspace issues that pertain to the National Capitol Region. The working group is chartered under the Homeland Security Council (HSC) Policy Coordination Committee (PCC) for Transportation and Aviation Security, and serves as a forum to bring multiple government organizations together as full partners in the cooperative development of procedures and policies to enhance Homeland Air Security. Participating entities include the Homeland Security Council, the Department of Defense, the Federal Bureau of Investigation (FBI), FAA, the

Transportation Security Administration (TSA), Customs and Border Protection's Office Air and Marine Operations, the Border and Transportation Security Directorate, the United States Secret Service, the United States Coast Guard, the Federal Emergency Management Agency, the National Reconnaissance Office, the Department of State, the United States Capitol Police, and the United States Park Police.

Restricted airspace is established as security circumstances and threat assessments warrant. The Domestic Events Network (DEN), commendably operated by the FAA, provides a continuously open line of communication for coordination during airspace incidents. The 24-hour access provides a means for interested government agencies to share real time information about a violation, including the actions taken by each entity. The DEN, coupled with direct telephone calls, text messaging, and face-to-face meetings, creates an efficient forum for information exchange. As with all aspects of homeland security, DHS continues to review and enhance the information sharing processes.

TSA has conducted vulnerability assessments at selected general aviation airports. Most airspace violations are caused by pilots operating general aviation aircraft. General aviation is a diversified segment of the aviation industry that accounts for approximately 77 percent of all flights within the United States and encompasses a wide array of aircraft, ranging from large business jets and small recreational aircraft to rotorcraft and airships. Additionally, general aviation consists of a number of different types of operations, from corporate and certain charter flight operations in small aircraft, to aerial observation and crop dusting. Because this industry comprises such a large population with diverse activities, simply "regulating" all of general aviation would be cost prohibitive and inefficient. Rather, TSA employs a threat based, risk management approach to effectively utilize its resources and focus its efforts. A summary of the major initiatives follows:

- **Airport Watch Program** -- TSA, in partnership with the general aviation stakeholder associations, implemented a General Aviation Hotline that is the linchpin of the highly regarded Aircraft Owners and Pilots Association Airport Watch Program. The general aviation community does an exceptional job of monitoring airports, aircraft, and supporting facilities for security and safety concerns. We fully endorse the Airport Watch Program and the dedicated efforts of industry stakeholders operating under TSA oversight. Aviation security inspectors encourage the watch program's use when visiting airport managers in the course of their ongoing general aviation outreach program. The hotline provides a mechanism enabling any pilot or airport employee to report suspicious activity to a central federal government contact. It is also cited as a reporting method in the Flight School Security Awareness Training Program.
- **Alien Flight Training** -- Section 113 of the Aviation and Transportation Security Act, P.L. 107-71 (November 19, 2001), mandates that any non-federal U.S. provider of flight instruction seeking to train an alien in the operation of an aircraft weighing more than 12,500 pounds must first ensure their candidates are cleared by the Attorney General. The Department of Justice implemented this requirement with the Flight Training Candidate Checks Program. The Vision 100 – Century of Aviation

Reauthorization Act (Vision 100 Act), P.L. 108-176 (December 12, 2003), transferred oversight of this program from the Department of Justice to TSA. The TSA Interim Final Rule (IFR), codified at 49 C.F.R. §1552, was issued on September 20, 2004, and its requirements became effective in October 2004 for most alien flight training candidates and flight schools. A 60-day exemption applied for aliens who already held a pilot's certificate with the requirements becoming effective on December 19, 2004, for this group. In addition, flight schools are required to provide employees with security awareness training. TSA has developed a training module that flight schools can use to meet this requirement. Of note, the IFR has been refined and clarified through consultation with stakeholders.

- **Charter Operations** -- For public charter operations in aircraft with 61 or more passenger seats, TSA has always required security measures, including screening of passengers and property. TSA currently regulates a large segment of the charter operations in smaller aircraft, as well as scheduled operations in smaller aircraft, through the Twelve Five Standard Security Program. TSA regulates the larger private charter operations through the Private Charter Standard Security Program. The Twelve Five Program covers scheduled, public charter and private charter operations, passenger or cargo, using aircraft with a maximum certificated take-off weight of more than 12,500 pounds while the Private Charter Standard Security Program covers private charter operations using aircraft with a maximum certificated take-off weight of 45,500 kg (100,309 lbs). These programs include requirements for vetting of flight crew, designation of a security coordinator, and checks against terrorist watch lists. Like the Twelve Five Program, the Private Charter Program also requires screening of passengers and their carry-on baggage. TSA has established an inspection regime to ensure the effectiveness of the programs. Additionally, TSA is on track to meet the requirement in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 (December 17, 2004), to allow operators of aircraft with a maximum certificated take-off weight of more than 12,500 pounds to request vetting of individuals seeking to charter or rent an aircraft against the watch lists.
- **Corporate Operations** -- In early 2003, TSA launched a pilot project in cooperation with the National Business Aviation Association (NBAA) at Teterboro Airport and Morristown Municipal Airport in New Jersey and White Plains Airport in New York. The initiative was conducted as a "proof-of-concept" to validate an NBAA-proposed security program developed for operators of business aviation aircraft. TSA is currently evaluating the results of the pilots and determining next steps.
- **Temporary Flight Restrictions (TFR)** -- TSA evaluates requests for security-related TFRs based on several criteria, including specific and credible threat and intelligence information, number of people in attendance, and number of air and ground-based defense assets. TFRs are employed to mitigate the threat of an airborne attack against key assets and critical infrastructure on the ground. TFRs largely impact the general aviation community by prohibiting flight in areas of concern. In response to Congressional mandate, the FAA issued a Notice to Airmen that permanently establishes TFRs over four types of sporting events: major league baseball games,

National Football League games, major motor speedway events, and NCAA Division I football games occurring in stadiums with a seating capacity of 30,000 or more. TSA processes requests from general aviation operators for waivers to these TFRs, in accordance with statutory criteria, and works with the FAA to issue these waivers.

- **General Aviation Airports** -- On May 17, 2004, TSA published an Information Publication (IP) entitled, "Security Guidelines for General Aviation Airports." The purpose of the IP is to provide owners, operators, sponsors, and other entities charged with oversight of general aviation airports a set of federally endorsed security enhancements and a method for determining when and where these enhancements may be appropriate. Aviation security inspectors are incorporating the IP into the TSA outreach program to the general aviation community.
- **Vulnerability Assessments** -- TSA is preparing to launch a general aviation vulnerability self-assessment tool that will facilitate the examination of airports and assessment of vulnerabilities. The tool focuses on the characteristics of the facility and inventories its countermeasures. Initially, the tool will be used to assess the approximately 5,600 public use general aviation facilities.
- **National Special Security Events (NSSE)** -- TSA has established an internal organization that deals specifically with NSSE events. This group is responsible for coordinating with other agencies responsible for security of the event and overseeing TSA's role in establishing transportation-related security controls, including conducting vulnerability assessments at local general aviation airports and security outreach programs to educate general aviation pilots on upcoming restrictions.

In the context of aviation security, the National Capital Region presents a special situation. In all decisions involving aviation operations in the NCR, we are ever mindful that the area is an obvious target for terrorists. In a very compressed location rests the seat of Government of the United States – the White House, United States Capitol, the Supreme Court, and supporting buildings that house staff and other Federal courts; the leadership targets – the President and Vice-President, members of Congress, Cabinet members, justices and judges; the headquarters and operations facilities for the Nation's domestic and international security apparatus among the Federal departments; and the monuments, museums, and other national treasures of immense symbolic and historical value to Americans. These concentrated assets represent the lifeblood of the governance of our great Nation and our global responsibility to lead the war on terror and foster the continued spread of freedom and democracy. Assuring their safe and secure operation, under security measures aimed at minimizing vulnerabilities and preventing attacks, is an absolutely essential task.

As part of its effort to protect the NCR, the Department of Homeland Security (DHS) and TSA, in cooperation with other governmental entities, regularly monitors the threat posed to or by particular types of aircraft arriving at or departing from Ronald Reagan Washington National Airport (DCA) and factors continually changing information into its operations and planning efforts. Over the last several months, TSA led a systematic

effort that culminated in the announcement on May 25 of a security plan to resume certain pre-cleared general aviation operations, including charter flights, corporate aircraft, and on-demand operations, at the airport. We wish to thank all those who were instrumental in this achievement, especially members of this Committee and other distinguished members of Congress, our colleagues at the FAA and throughout the Departments of Transportation, Defense, and Homeland Security, and the general aviation industry.

TSA issued the Interim Final Rule (IFR), *Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations*, on July 15. The IFR establishes specific security procedures for certain general aviation operators seeking access to DCA. A separate IFR – *Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone* – took effect on February 13, 2005, and transfers security responsibility for the nearby Maryland Three airports – College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field – from FAA to TSA. Under this IFR, transient pilots not based at the three airports are allowed access to them if they comply with TSA-mandated security requirements and procedures. It is important to note that the security plans established by these rules will not be inflexibly applied. Throughout, TSA will seek input from those stakeholders in the general aviation community that operate at DCA or support those operations. We will continually monitor how effectively the security measures work and remain open to the adjustment of those measures. As experience with renewed general aviation operations at DCA expands, we will make the necessary adjustments to foster efficiency of operations without compromising the essential security.

The recent violations of the restricted airspace surrounding the NCR have not interfered with nor adversely affected proceeding with the security plan to resume general aviation operations at DCA. They do, however, demonstrate the importance of maintaining enhanced security measures. The volume of high value, high impact potential targets for terrorists in the Washington, D.C., area demands vigilance against the use of an aircraft as a weapon.

A layered airspace security system has been established to protect the National Capital Region. An Air Defense Identification Zone (ADIZ) surrounds Washington, D.C. In order to fly within the ADIZ, operators must follow specific procedures before and during the flight. The FAA, which is the lead agency for monitoring compliance of air traffic in the ADIZ, works closely with TSA, DHS, and stakeholders to assess and refine procedures for entering and operating within the ADIZ. There is also an inner ring of airspace, known as the Flight Restricted Zone (FRZ). These flight restrictions are outlined in FAA Notice to Airmen 3/2126.

The National Capital Region Coordination Center (NCRCC) is an integral component of the layered aviation security system for the National Capital Region. The NCRCC is an interagency group comprised of several agencies whose unified actions create a layered situational awareness structure to enhance airspace security for the NCR. Six entities

provide daily representation in the NCRCC: the FAA, the U.S. Secret Service, the U.S. Capitol Police, U.S. Customs and Border Protection, the Department of Defense (DOD), and TSA. Other agencies, such as the FBI, are key participants during major events or surge operations.

The NCRCC monitors the operations of all participating agencies to enhance airspace security within the defined limits of the ADIZ. Each agency that participates within the NCRCC maintains its own organic capabilities and complete command and control over operational and tactical matters that fall within that agency's respective statutory authorities. The NCRCC does not infringe upon an agency's operational or tactical employment of its assets, nor does it have command and control over any participating agency. TSA, as the Executive Agent for the NCRCC, is responsible for disseminating relevant transportation security intelligence, documenting the activities of the NCRCC, and providing the physical infrastructure to accommodate NCRCC operations, to ensure that the participating agencies are fully informed about emerging threats.

When an unidentified aircraft approaches the Washington, D.C., ADIZ, radar operators at one or all of the monitoring agencies, including the U.S. Customs and Border Protection's (CBP) National Airspace Security Operations Center, DOD's Northeast Air Defense Sector headquarters in Rome, NY, and the FAA's Potomac Terminal Radar Approach Control (TRACON) Facility, begin to actively track it. As it enters the ADIZ, one of the monitoring organizations announces the aircraft's presence on the Domestic Events Network (DEN), an interagency open line of communications that is continuously available. Pertinent information about the aircraft is broadcast on the DEN in this initial report. Immediately after the initial report, the FAA's representative in the NCRCC acknowledges the report and establishes a common identifier to be used in interagency communications regarding the track. Once a common identifier has been assigned, the agency representatives in the NCRCC each perform their respective duties.

The TSA representative to the NCRCC has a specific role to play when an unidentified aircraft approaches the ADIZ. He or she is responsible for notifying the Transportation Security Operations Center (TSOC) Command Duty Officer (CDO) of the situation, who in turn decides whether additional notifications are necessary. Where appropriate, the CDO will notify senior TSA and DHS officials. The TSA NCRCC representative also has the responsibility to record a timeline of the events that take place, in addition to monitoring radar feeds to assess the threat. Finally, the TSA representative also monitors the DEN to answer questions from other agencies, to enhance interagency situational awareness, and to gather information for documenting the incident.

To convey a sense of the scope of this operation, there have been 3,493 incursions since the establishment of the NCRCC in January 2003. This has resulted in the opening of 2,339 NCRCC case files and assessment of 1,484 pilot deviations. During this same period, 166 incursions of the FRZ occurred, on which 127 NCRCC case files were opened. Twenty-eight penetrations of the prohibited airspace above the Capitol, the White House, and the National Mall occurred. Alert aircraft launched or diverted 665 times in response to intrusive flights.

The nature of the response to a particular aircraft traveling in the vicinity of protected airspace depends upon the apparent threat presented by the flight. The various entities monitoring air traffic in the Washington, D.C., area constantly track flight paths and speeds to identify potential threats. Communications between these entities ensure all maintain awareness of developing situations. As noted, the DEN is continuously open. If an aircraft presents a profile that may require deployment of intercept aircraft, a classified conference call coordinated by the Defense Department is initiated. Participants in this network include representatives from NORAD, the Continental NORAD Region (CONR), the responsible air defense sector, and various other military command and control elements as well as the TSA Command Duty Officer (CDO), TSA Headquarters (including the Assistant Secretary), the NCRCC, the Homeland Security Operations Center (HSOC), the White House Situation Room, and the National Military Command Center (NMCC). In the NCRCC, both the TSA and FAA watch officers contribute to the coordination of effort via the classified conference call. The FAA watch officer serves as the principal speaker on the DEN.

Through these means, all responsible entities maintain continuous situational awareness. Authorities and assets are readily available for engagement as the situation warrants. They include helicopter and jet aircraft operated by the Customs and Border Protection's Air and Marine Operations (AMO) office and Air Force F-16s at Andrews AFB. Direct communication applying real time information ensures informed decisions are made and appropriate actions taken in response to any potential threat.

The defensive system has worked as intended. In each of the recent incidents, the aircraft have been effectively monitored, tracked, and ultimately diverted away from or escorted out of the protected airspace. The resources, processes, and procedures devoted to this effort reflect the continuous application of lessons learned from experience since the system's implementation.

This does not mean we are insensitive to concerns raised by those on the ground affected by these events. Following the interception and diversion of a Cessna on May 11, 2005, officials in the Washington, D.C., government, including Mayor Anthony Williams, expressed frustration about not being informed about the situation as it developed. As a result, a previously extended invitation to the District to assign representatives to the NCRCC was renewed. Earlier this month, the Washington, D.C., Metropolitan Police began daily participation in the NCRCC, providing a representative for a minimum of 40 hours per week. Additionally, Secretary Chertoff has engaged personally with Mayor Williams to ensure open and direct communications with District officials.

Concerns have also been raised by members of Congress and others who work at and visit Capitol Hill about "all clear" notifications. Some have noted the media reports "all clear" well before Members and staffs are permitted to return to their offices. The U.S. Capitol Police are responsible for determining when the situation allows for a return to the building following an evacuation. I can assure this Committee that the media does not receive an official notification of "all clear" before the U.S. Capitol Police. Indeed,

as noted earlier, the Capitol Police provide daily representation to the NCRCC. They are thus aware of developments in the response to a potentially threatening aircraft as they occur. Considerable work has been done to assure the communication of clear and accurate information to all affected entities, employing voice and text message capabilities.

TSA, in coordination with FAA, and as a member of the Airspace Protection Working Group, will continue to improve the concept of operations to manage airspace violations throughout the nation that relies primarily on risk management principles. Such a risk management approach allows TSA to determine which areas present the greatest vulnerabilities that need to be addressed immediately. Consequently, TSA will continue to enact reasonable, feasible, and effective security measures appropriate to the airspace environment while endeavoring to minimize impacts on the national airspace.

Thank you for this opportunity to address the Committee on these matters of importance to security and economic vitality both in the Washington, D.C., area and nationally.